

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JENNIFER M. KING, an Individual;

Plaintiff,

vs.

CATHOLIC HEALTH INITIATIVES, a  
Nonprofit Foreign Corporation Operating in  
Nebraska, and CHI NEBRASKA d/b/a CHI  
HEALTH;

Defendants.

8:18CV326

**ORDER**

This matter comes before the Court following a telephone conference held on April 19, 2019, with counsel for the parties. The Court and counsel discussed Defendants' Motion to Extend Final Progression Order Deadlines ([Filing No. 52](#)) and proposed Rule 35 examination of Plaintiff by Defendants' expert, and the parties' respective concerns regarding outstanding discovery. In accordance with the matters discussed during the conference,

**IT IS ORDERED:** On or before **May 6, 2019**, the parties shall supplement their outstanding discovery responses as discussed during the telephone conference and meet and confer to determine what issues remain outstanding for the Court's resolution. To the extent outstanding issues remain, the parties shall jointly prepare and submit a "Discovery Disputes Form"<sup>1</sup> to [nelson@ned.uscourts.gov](mailto:nelson@ned.uscourts.gov) and request a date for a telephone conference.

**IT IS FURTHER ORDERED** that Defendant's Motion to Extend Final Progression Order Deadlines ([Filing No. 52](#)) is granted, in part, and the following case progression deadlines shall apply:

- 1) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **July 15, 2019**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **July 31, 2019**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be

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<sup>1</sup> Available at <https://www.ned.uscourts.gov/attorney/judges-information/civil-case-management>

filed without first contacting the chambers of the undersigned magistrate judge to set a conference to discuss the parties' dispute.

- 2) The deadlines to complete expert disclosures<sup>2</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendants: **May 31, 2019**

Plaintiff's rebuttal: **July 1, 2019**

- 3) The deposition deadline is **August 16, 2019**.
- 4) The deadline for filing motions to dismiss and motions for summary judgment is **August 30, 2019**.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 30, 2019**.
- 6) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 19<sup>th</sup> day of April, 2019.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge

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<sup>2</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.